

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil. No.:1:23-cv-00587

2016 CHEVROLET SILVERADO C1500 LT VIN:
1GCNCREC1GZ383280

Defendant-in-rem.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff, United States, brings this complaint in accordance with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

1) This is a civil action to forfeit and condemn to the use and benefit of the United States of America property involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. §§ 881(a)(6) and (a)(4).

DEFENDANT IN REM

2) The defendant *in rem* consists of the following:

a) 2016 CHEVROLET SILVERADO C1500 LT VIN:
1GCNCREC1GZ383280.

(Hereafter referred to as “Defendant Property”),

3) The Defendant Property was seized by the United States Drug Enforcement Administration (DEA) on February 3, 2023, in the District of New Mexico.

4) The Defendant Property is now, and during the pendency of this action will be, in the jurisdiction of this Court.

JURISDICTION AND VENUE

5) The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.

6) Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property is found in this district. Upon the filing of this complaint, the Defendant Property will be arrested by execution of a Warrant for Arrest *In Rem* in the District of New Mexico.

FACTS

7) On February 1, 2023, Hatch Police Department personnel became aware of a video posted on social media by Kevin Lopez. In the video, Lopez is shown revealing handguns that were hidden inside of a biometric safe, unlocked with Lopez's fingerprint, that was built into the passenger's seat headrest of a 2016 Chevrolet Silverado C1500 LT.

8) On February 3, 2023, the 2016 Chevrolet Silverado C1500 LT was searched pursuant to a District of New Mexico State Search Warrant obtained by Hatch Police Department. Marijuana residue was scattered throughout the vehicle. Officers also found a THC vape, THC wax containers, a Jesus Malverde necklace, and three handguns inside of the vehicle. One of the handguns was concealed within an aftermarket, hidden, biometric safe built into the passenger's seat headrest of the vehicle. According to Lopez, the biometric safe could be unlocked only with Lopez's fingerprint and was unlocked with Lopez's fingerprint on February 3, 2023, revealing the above handgun. In a post on Lopez's public Instagram account, an unknown individual asks Lopez what he does for a living to be able to afford the 2016 Chevrolet Silverado C1500 LT and Lopez responds, "Sell drugs".

9) On February 3, 2023, Drug Enforcement Administration (DEA) agents took custody of the 2016 Chevrolet Silverado C1500 LT.

10) On February 24, 2023, DEA agents executed a search warrant at 185 Picaflor Avenue in Hatch, New Mexico, an address associated with Kevin Lopez and his family. During the execution of the search warrant, agents encountered Lopez's parents, sister, and sister's boyfriend inside the residence. The search revealed, *inter alia*, the following:

seven vehicles;

multiple black drones;

two Jesus Malverde statues;

a Jesus Malverde spray can;

a framed poster depicting Joaquin Guzman aka "El Chapo" holding a gold-colored handgun, cocaine, bulk United States Currency, a rifle, gold bars, and gold coins;

a framed poster with the words "N.W.A" "NARCOS WITH ATTITUDE" "CARO, EL MAYO, PABLO ESCOBAR, EL CHAPO, ROBERTO SUAREZ" and the photos of Rafael Caro Quintero, Ismael Zambada Garcia aka "El Mayo", Pablo Escobar, Joaquin Guzman aka "El Chapo", and Roberto Suarez placed over their respective names;

a framed poster picturing Joaquin Guzman and Tony Montana aka "Scarface" behind a table which contained powder cocaine, a handgun, gold bars, gold coins, liquor, and bulk currency;

numerous "Scarface" related items such as clothing, art, jewelry, and bedding;

multiple sets of designer handbags, accessories, shoes, perfumes, jewelry, and watches;

four firearms;

ammunition of various calibers and multiple magazines for various calibers;

a flame thrower;

two LA Police Gear body armor plates;

a police scanner;

a small weighing scale;

multiple decorative grips for handguns;

a large bag of rubber bands;

four Armand de Brignac boxes containing empty Armand de Brignac bottles;

over ten cellular phones and tablets.

FIRST CLAIM FOR RELIEF

- 11) The United States incorporates by reference the allegations in paragraphs 1 through 10 as though fully set forth.
- 12) Title 21, United States Code, Section 881(a)(6) subjects to forfeiture “[a]ll moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.”
- 13) Defendant Property were furnished, or intended to be furnished, in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act and is thus subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

SECOND CLAIM FOR RELIEF

14) The United States incorporates by reference the allegations in paragraph 1 through 10 as though fully set forth.

15). Title 21, United States Code, Section 881 (a)(4) subjects to forfeiture “[a]ll conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property in violation of this subchapter.”

16). Defendant Property was used or intended for use to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of illegal controlled substances and is thus subject to forfeiture to the United States pursuant to 21 U.S.C. Section 881 (a)(4).

WHEREFORE, the Plaintiff seeks the arrest of the Defendant Property and forfeiture of the same to the Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Property, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

ALEXANDER M. M. UBALLEZ
United States Attorney

A handwritten signature in black ink, appearing to read "Stephen R. Kotz", written over a horizontal line.

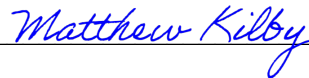
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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the United States Drug Enforcement Administration who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

Dated: July 11, 2023



Matthew R. Kilby, Special Agent

United States Drug Enforcement Administration